

CHAPTER

1

Public Notification (PN)

Public notification is designed to protect public health. As a public water supplier, you are required by law to prepare and distribute public notification to consumers. One of the best ways water systems can contribute to community health is to make sure people within a service area know about water quality issues and how to protect themselves from potential risks. Public notification of drinking water violations and other situations provides a way to educate the public, protect public health, build trust with consumers through open and honest sharing of information, and establish an ongoing, positive relationship with your community. The greater the effort your water system makes to reach and inform everyone in your service area using your system, the more they will trust your commitment to delivering safe water and protecting public health.

Illinois EPA Assistance

Illinois EPA staff is always willing to assist water supply officials when writing a public notice. However, due to all the different circumstances involved (i.e., type of violation, corrective actions taken by the CWS, etc.), the Illinois EPA staff cannot write a public notice for you. You will need to know the basic PN requirements listed in this Chapter before you begin writing a good public notice. Most of your questions will be answered in this Chapter.

For assistance or questions concerning Public Notification, please contact:

PN Coordinator
Illinois EPA /BOW/CAS #19
P.O. Box 19276
Springfield, IL 62794
Telephone: 217-785-0561
Fax 217-557-1407

Please remember there are no short-cuts. Failure to know all the PN requirements may result in your CWS being required to issue a second notice. Additionally, in the event a problem does occur, educated consumers are more likely to understand the problem and support the actions a water utility must take. Many consumer concerns and resulting angry telephone calls can be prevented.

Contents of Chapter 1 Public Notice (PN)

PN Tiers by Violation Type and Delivery Requirements Overview.....	Page 3
• Tier 1 (Acute)	Page 4
• Tier 2	Page 5
• Tier 3	Page 6
• Additional Delivery Requirements for all Tier Types	Page 6
Mandatory Elements of a PN (Self-Assessment).....	Page 7
Mandatory Language of a PN.....	Page 8
Special Notices.....	Page 9
• Fluoride Secondary MCL Exceedance	Page 9
• Repeated Failure to Conduct Required Cryptosporidium Monitoring	Page 9
• Failure to Calculate Bin Classification or Mean Cryptosporidium Level	Page 9
• Availability of Unregulated Contaminant Monitoring Data	Page 9
• PN for Operating under a Variance or Exemption	Page 10
PN Formatting Requirements.....	Page 10
PN in Languages other than English.....	Page 10
Selling/Purchasing Water.....	Page 11
Reporting to the Illinois EPA (Certification).....	Page 11
Failure to Provide PN.....	Page 11
PN Templates Overview.....	Page 11
Using the CCR for Tier 3 PNs.....	Page 12
Be Prepared (Additional Notes).....	Page 12

Appendixes

Appendix <u>A</u> Tier Classification by Contaminant/Violation Type.....	Page A-1
Appendix <u>B</u> Standard Language.....	Page B-1
Appendix <u>C</u> Tier 1 Templates.....	Page C-1
Appendix <u>D</u> Tier 2 Templates.....	Page D-1
Appendix <u>E</u> Tier 3 Templates.....	Page E-1
Appendix <u>F</u> Certification/Self-Assessment Form.....	Page F-1

Public Notice Tier by Violation Type and Delivery Requirements



Each violation and situation requiring public notice has been assigned to one of three categories, or tiers, based on the risk of adverse health effects.

If you are faced with a violation or situation requiring public notification, you must provide the notice to persons served by your system. This means you must take all reasonable steps to inform people if they would not be reached by the most commonly used methods of notification. This does not mean that every person in the area served by the system must be notified (this may be impossible), but you must identify different types of consumers and make an effort to reach them. Additionally, every new billing customer or unit must be notified of any ongoing violations or situations for which notice has previously been issued. Remember that the most effective public notices—those that protect public health and build consumer understanding and trust—reach the largest possible group of people.

For example, if a community water system mails a notice to its billing customers only, people who do not receive water bills, such as tenants whose utilities are included in their rent or people who work in the area served by the system but live elsewhere, would not receive a notice. Publishing a notice in the newspaper and providing copies of the notice to landlords to distribute to their tenants would help reach those people.

Things to keep in mind:

- As you prepare your PN, you **must** complete a self-assessment to ensure all PN requirements are met (see Appendix F).
- Newspaper notices are not allowed as a primary means of notification, unless newspaper notices are directly mailed or hand delivered to each bill paying unit.
- The notification clock starts when the violation is “known” by the public water supply. Examples of “known” would include, but are not limited to: 1) receipt of a non-compliance advisory or violation notice, 2) notification by the Illinois EPA Regional Office, or 3) receipt of sample results that indicate an exceedance.
- Repeated notices are required if the violation or situation persists, unless otherwise directed by the Illinois EPA.

Use the charts on the following pages to determine timing requirements for each violation type.

TIER 1

Tier 1 violations may result in an immediate adverse health problem for some consumers.

Applicable Violations or Other Situations (Tier 1)

- Violation of the MCL for total coliform, when *fecal coliform* or *E. coli* are present in the water distribution system, or failure to test for fecal coliform or E. coli when any repeat sample tests positive for coliform.
- Violation of the MCL for *nitrate* or *nitrite*, or when a confirmation sample is not taken within 24 hours of the system’s receipt of the first sample showing exceedance of the nitrate or nitrite MCL.
- Violations of the MRDL for *chlorine dioxide* when one or more of the samples taken in the distribution system on the day after exceeding the MRDL at the entrance of the distribution system or when required samples are not taken in the distribution system.
- Violation of the *turbidity* MCL of 1 NTU, where the primacy agency determines after consultation that a Tier 1 notice is required or where consultation does not occur in 24 hours after the system learns of violation.
- Violation of the *treatment technique* requirement resulting from a single exceedance of the maximum allowable turbidity limit, where the Illinois EPA determines after consultation that a Tier 1 notice is required or where consultation does not take place in 24 hours after the system learns of violation.
- Occurrence of a *waterborne disease outbreak*, as defined in 611.101, or other *waterborne emergency*.
- Detection of *E. coli*, *enterococci*, or *coliphage* in a ground water source sample.
- Other violations or situations with significant potential for serious adverse effects on human health as a result of short term exposure, as determined by the Illinois EPA either in its state regulations or on a case-by-case basis.

Timing / Distribution Notice Requirements (Tier 1)

Within 24 hours - As soon as practical but within 24 hours of learning of a violation or situation, you must:

- **Issue a public notice.**
A CWS is required to use, at a minimum, one or more of the following methods (intent is to **immediately** reach all customers):
-Appropriate broadcast media (radio or television)
-Posting and/or Hand Delivery
-Another delivery method approved in writing by the Illinois EPA
- **Initiate consultation with the Illinois EPA** Regional Field Operations Staff within 24 hours (Weekends--Illinois EPA Emergency Response Unit 800/782-7860).

The consultation with the Illinois EPA is independent of the public notice itself. You must issue the notice within 24 hours, even if you are unable to contact anyone at the Illinois EPA. You may be directed to issue repeat notices for continuing violations or situations, “problem corrected” notices, or, if the initial notice does not meet the requirements, another notice. You must also notify new billing customers of ongoing violations or situations for which you’ve previously provided notice

REPEAT notices are only required as directed by the Illinois EPA.

TIER 2

Applicable Violations or Other Situations (Tier 2)

- All violations of the *MCL, MRDL, and treatment technique* requirements EXCEPT where Tier 1 notice is required.
- A violation of *monitoring requirements where the primacy agency determines that a Tier 2* public notice is required, taking into account potential health impacts and persistence of the violation.
- Failure to comply with the terms and conditions of any variance or exemption in place.
- For ground water systems providing 4-log treatment, failure to *maintain required treatment* for more than 4 hours.
- Failure to take any required corrective action or be in compliance with a *corrective action plan* for *E. coli positive* source water sample.
- Failure to take any required corrective action or be in compliance with a *corrective action plan* for a *significant deficiency* (after a specified amount of time) under the Ground Water Rule.
- Special public notice for repeated failure to conduct *monitoring for Cryptosporidium*.
- Violation of the treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit, if determined by Illinois EPA on a case by case basis.

NOTE: Systems with turbidity MCL violations based on the average of samples collected over two days or with turbidity single exceedance treatment technique violations must consult with the applicable Illinois EPA Regional Field Operations Staff within 24 hours after learning of the violation (Weekends--Illinois EPA Emergency Response Unit 800/782-7860).

Timing / Distribution Notice Requirements (Tier 2)

Within 30 days of learning of a violation. Notice must be issued notice by:

- direct mail or hand delivery AND
- Another method as needed to reach consumers not likely to receive a notice from methods noted above

REPEAT notices are required **every 3 months** (if the violation or situation persists)

TIER 3

Applicable Violations or Other Situations (Tier 3)

- **Monitoring violations**, except where Tier 1 or Tier 2 notice is required or the Illinois EPA determines that the violation requires a Tier 2 notice.
- **Failure to comply with an established testing procedure**, except where Tier 1 notice is required or the Illinois EPA determines that the violation requires a Tier 2 notice.
- **Operation under a variance** granted under 611.111 or exemption granted under 611.112 of the Safe Drinking Water Act.
- Availability of **unregulated contaminant** monitoring results.
- Exceedance of the secondary maximum contaminant level for **fluoride**.

Timing / Distribution Notice Requirements (Tier 3)

Within 1 year of learning of a violation. Notice must be issued by:

- direct mail or hand delivery (public notice delivery may be provided by CCR if one year requirement is met) AND
- Another method as needed to reach consumers not likely to receive a notice from methods noted above

REPEAT notices are required **annually** (if the violation or situation persists)

Additional Delivery Requirements for all Tier Types

If you are faced with a violation or situation requiring public notification, please remember:

- 1) You must provide the notice to persons served by your water supply.
- 2) You must identify different types of consumers and make an effort to reach each.
- 3) Every new billing customer or unit must be notified of any ongoing violations or situations for which notice has been issued.
- 4) **Everyone in the distribution system must receive the public notice.**

Mandatory Elements of a Public Notice

Your public notice must include specific information in order to be considered complete or satisfactory. You will NOT get credit for issuing PN unless the PN is complete and the Self-assessment Form is submitted. The PN must be clear and readily understandable. **The Public Notice Rule requires the PN to include each of the following ten elements:**

1. Who to contact regarding additional information about the Notice (the name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice);
2. What happened to make the Notice necessary (violation, variance, exemption or situation, including the contaminants of concern and the contaminant level, as applicable);
3. When the event occurred (when violation or situation occurred);
4. Health significance that may adversely impact consumers (any potential adverse health effects from drinking water, using the mandatory language described in Appendix B);
5. Population at risk including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
6. Whether alternative public water supplies should be used;
7. What actions, if any, the consumers should take, including when they should seek medical advice or help, if known (a description of any precaution or action such as boiling the water that can be taken by the consumers);
8. What the water supplier is doing to correct the violation or situation;
9. When the water supplier expects to return to compliance or resolve the situation;
10. A statement encouraging the notice recipients to distribute the public notice to other persons served using the following standard language:



Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Certification/Self-Assessment Form

As you prepare your PN, you **must** complete a certification and self-assessment. After you issue your PN, the self-assessment must be signed and submitted to the Illinois EPA along with your PN copy (see “Reporting to the Illinois EPA”, page 11).

The self-assessment is a “check list” of the mandatory PN elements as described on the previous page. Failure to complete a self-assessment prior to issuing public notice may result in not receiving credit for issuing a satisfactory notice and may require the water supplier to issue PN a second time. Please see Appendix F for template/reporting form.

Mandatory Language

Public Notices must include:

- 1) Language to encourage distribution of the notice to all persons served. You must include the following language in all notices where applicable. There are situations where this may not apply—for example this language would probably not be necessary on a posted notice, since posting makes the notice available to everyone who passes by. It would also not be needed for a notice provided by broadcast and print media. Use of this language does not relieve you of your obligation to notify persons served:

“Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.”

- 2) Health Effects language for MCL and MDRL violations, treatment technique violations, and violations of the conditions of a variance or exemption. (See Appendix B for health effects language); and
- 3) For all monitoring and testing procedure violations. You must include the following language for all monitoring and testing procedure violations:

“We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we [‘did not monitor or test’ or ‘did not complete all monitoring or testing’] for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time.”

Special Notices

There are special notices required to be issued for:

- Requirements for **fluoride secondary MCL** exceedances,
- repeated **failure to conduct required Cryptosporidium monitoring**
- failure to **calculate bin classification** or mean Cryptosporidium level
- availability of **unregulated contaminant monitoring** data, and
- failure to conduct and operation under a **variance or exemption**.

Fluoride Secondary MCL Exceedance

Public water supplies that exceed the secondary maximum contaminant level of 2 mg/l for fluoride but do not exceed the MCL of 4 mg/l must include the special fluoride language. An example template and instructions for completion can be found in Appendix E. You must provide notice as soon as practical but no later than 12 months after you learn of the exceedance and repeat the notice annually as long as the exceedance persists.

Repeated Failure to Conduct Required Cryptosporidium Monitoring

Surface water systems that incur a violation for failure to take 3 or more Cryptosporidium samples required under LT2ESWTR are required to issue a Tier 2 special notice. The notice must include required language shown in Appendix D as well as a description of what the system is doing to correct the violation, when the system expects to return to compliance or resolve the violation. The notice must contain the 10 required elements.

Failure to Calculate Bin Classification or Mean Cryptosporidium Level

Surface water systems that incur a violation for failure to calculate their bin classification or mean Cryptosporidium after completing source water monitoring required under LT2ESWTR are required to issue a Tier 2 special notice. The notice must include required language shown in Appendix D as well as a description of what the system is doing to correct the violation, when the system expects to return to compliance or resolve the violation. The notice must contain the 10 required elements.

Availability of Unregulated Contaminant Monitoring Data

If a public water supplier is required to monitor for unregulated contaminants under the Unregulated Contaminant Monitoring Rule, public notice must be issued stating that the results of the monitoring are available and including a telephone number to call for those results. The 10 elements of a public notice do not need to be included, but the water supply must follow the Tier 3 schedule to issue a public notice no later than 12 months after the monitoring results are known. Public water supplies also have the option to include this information in an annual notice for Tier 3 situations and violations.

PN for Operating under a Variance or Exemption

Notices for operating under a variance or exemption have different content requirements than notices for the violations and situations. If you are operating under a variance or exemption, the water supply must notify consumers within one year of obtaining the variance or exemption and repeat the notice annually for as long as the variance or exemption exists. You must include the following in your notice:

- 1) An explanation of the reason(s) for the variance or exemption;
- 2) The date on which the variance or exemption was issued;
- 3) A brief status report on the steps you are taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- 4) A notice of any opportunity for public input in the review of the variance or exemption.

PN Formatting Requirements



All public notices must meet certain formatting standards. These requirements help prevent the notice from being “buried” in a newspaper and help ensure that consumers can easily read and understand the notice.

Notices must:

- 1) Be displayed in a conspicuous way (where printed or posted);
- 2) Not contain overly technical language or very small print;
- 3) Not be formatted in a way that defeats the purpose of the notice;
- 4) Not contain language that nullifies the purpose of the notice; and
- 5) **Newspaper notices are not allowed as a primary means of notification, unless the newspaper is directly mailed or hand delivered to each bill-paying unit.**

PN in Languages other than English

If a large proportion of the population you serve does not speak English, you must provide multilingual notices. To assist in determining if you have a large number of non-English speaking consumers visit <http://www.factfinder.census.gov>

Selling / Purchasing Water

The obligation to notify persons served includes notifying owners or operators of other public water supplies that buy or otherwise obtain water from your water supply. The owners or operators of purchased public water supplies are responsible for notifying their customers within the appropriate deadline, with the “clock” starting when the purchasing water supply learns of the violation or situation from you.

Reporting to Illinois EPA



Public water supplies, **within 10 days** of completing the public notification requirements for the initial public notice and any repeat notices, a public water supplier **must** submit the following items:

- 1) Certification and Self-Assessment form stating that the PN has fully complied with the public notification regulations pertaining to the specific violation or situation (Appendix F Certification & Self-Assessment Form); and
- 2) A representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media (e.g. newspaper article, press release to TV/radio, mail notices).

By signing the PN certification and self-assessment form, the water supplier is also stating that future requirements for notifying new billing units of the violations or situation will be met. Please use the certification and self-assessment form or equivalents provided in Appendix F. **MAIL PUBLIC NOTICE and PN CERTIFICATION FORM/ SELF-ASSESSMENT TO:**

PN Coordinator
 Illinois EPA /BOW/CAS #19
 P.O. Box 19276
 Springfield, IL 62794

Failure to Provide Public Notice

Any public water supplier that is required to issue public notice and fails to do so within the time frames required may be issued a formal violation notice pursuant to Section 31(a)(1) of the Illinois Environmental Protection Act.

PN Templates

Templates for Tier 1 violations are provided in Appendix C. Templates for Tier 2 violations are provided in Appendix D. Templates for Tier 3 violations are provided in Appendix E. Along with each template are instructions, including the required method of delivery and instructions for completing individual sections of the notice.

Public water suppliers have the option of providing an annual notice listing all Tier 3 violations occurring during the previous 12 months, as long as the water supplier makes certain that the annual notice is distributed no later than one year after the earliest of the included violations.

For systems with multiple monitoring violations, the advantages of using an annual notice instead of individual notices for every violation are compelling, both in terms of reduced cost and in terms of effective communication with the consumers.

Further, public water suppliers, if appropriate, may use the annual Consumer Confidence Report (CCR) as the vehicle for giving initial public notice for violations occurring during the previous 12 months. However, the use of the CCR as a vehicle for the annual public notice has strict limitations: the CCR can only be used if the CCR meets the timing, content, and distribution requirements required under the Public Notification Rule.

Since the vast majority of the violations require a Tier 3 public notice, the burden on public water supplies with multiple Tier 3 violations would be dramatically reduced through use of an annual notice and, where possible, the CCR. For example, if you were notified of a monitoring violation April 1, 2001, and you were planning to use the CCR, the violation must be identified in the July 1, 2001, CCR. Likewise, if you were notified of a monitoring violation August 1, 2001, and you were planning to use the CCR, the violation must be identified in the July 1, 2002, CCR.

Using the CCR for Tier 3 Public Notices

The Consumer Confidence Report (CCR) may be used for Tier 3 notices. Unlike a separate annual notice, however, using the CCR to meet the public notification obligation requires that you tailor the release of your CCR to meet the unique PN requirements. Using the CCR may reduce some production costs and may reduce redundancy since the violations and situations requiring public notice must also eventually be included in the CCR.

Including your Tier 3 public notice as part of the CCR could also provide the context that more accurately describes what has happened. Before you decide, however, remember that the timing and delivery requirements for CCRs differ from those for PNs. If you use the CCR for public notification, be very careful to adhere to the PN requirement that public notice for Tier 3 violations be completed no later than 12 months from the date the violation occurred. In addition, if you use the CCR, it must be provided to persons served that are not necessarily only the billing customers who would receive the CCR. Keep in mind, small community water systems that have a mailing waiver for CCR will not satisfy PN delivery requirements.

Be Prepared

Problems or emergency situations can arise at any time. Advance preparation can make your job easier in the event your water supply is required to issue public notice. Keep public notice requirements in an easily accessible area and notify key staff of the location. Use this *Handbook* and associated documents. Use the USEPA PN Handbook and other USEPA PN documents found at <http://www.epa.gov/dwreginfo/drinking-water-regulatory-information> . Eventually this handbook and associated documents will be posted on the

Illinois EPA DWCU web site at www.epa.state.il.us/water/forms.html. Determine who your spokesperson will be that will respond to consumer calls or media questions, and be sure the spokesperson is aware of all circumstances pertinent to the Public Notice.

The following steps should be considered when preparing public notice:

1. Identify the Illinois EPA contact person, contact numbers, and preferred method of contact.
2. Prepare a Tier 1 public notice template and keep hard and electronic copies in easily accessible locations. Notify key staff of the locations. See Appendix C.
3. Print hard copies of PN templates for storage in an easily accessible location. Eventually this handbook and associated documents will be posted on the Illinois EPA DWCU web at www.epa.state.il.us/water/forms.html Bookmark <http://www.epa.gov/dwreginfo/drinking-water-regulatory-information> to obtain an electronic versions of templates. See also Appendices C-E for hard copies.
4. Discuss multilingual considerations.
5. Develop a Key Contact List for both internal personnel and consultants, and for external interests. This should include government and PWS external company contacts such as hospitals, nursing homes, healthcare facilities, food processors and bottlers, restaurants, and other establishments that depend on delivery of safe water. Include phone, fax, and cellular phone numbers, as well as e-mail addresses. Keep this list easily accessible.
6. Where possible, work with a local health agency or a medical professional to establish emergency contact procedures for Tier 1, 2 or 3 violations.
7. Assemble a list of local printers and emergency contact numbers, where possible, in the event a Tier 1 public notice must be issued. Make arrangements for billing, paper stock, ink color and printing quantity, in advance if possible. Similar arrangements may be helpful with a graphic designer if your organization uses logos in publicly-distributed documents.
8. Store a hard copy of the PN Certification Self-assessment Form in an easily accessible location. See Appendix F.